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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/568,103	08/21/2006	Ingo Rubbelke	4078-0119PUS1	8047
2292 7590 06/29/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER LEYSON, JOSEPH S	
			ART UNIT 1722	PAPER NUMBER
			NOTIFICATION DATE 06/29/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/568,103

Applicant(s)

RUBBELKE, INGO

Examiner

Joseph Leyson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19, 20, 24, 25, 27, 28, 30-32, 34 and 35 is/are rejected.
- 7) ☒ Claim(s) 21-23, 26, 29, 33 and 36 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 05/04/2007.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: on the first page of the disclosure, immediately following the title, there should be inserted cross reference reciting the relationship between this application and PCT/DE03/03445, i.e., This application is a National Stage of PCT/DE03/03445, filed on October 15, 2003, which claims foreign priority to PCT/DE03/02733, filed on August 13, 2003.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 19, 20, 24, 28, 31, 32, 34 and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by DE 1 810 237.

DE 1 810 237 teaches a die head for an extruder, comprising an outer shell 12, 14, an inner cylindrical mandrel 17, an annular die gap at a discharge side of the die head (fig. 1), at least one intake opening connected to an extruder 11 (figs. 1 and 2) for receiving a melted mass; at least one distribution element 143, 171 for distributing the melted mass to a central ring channel terminating in the die gap (fig. 1), an inflow channel 13 connecting the at least one intake opening to the at least one distribution element, wherein at least one of the distribution element and the inflow channel are

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formed such that the distribution element is set into torsional motion around a longitudinal axis of the mandrel due to a flow of the melted mass, and the flow of melted mass is routed to the central ring channel (i.e., abstract; figs. 1 and 2), wherein at least one of the distribution element and the inflow channel are formed such that a tangential flow of the melted mass occurs on a peripheral surface of the distribution element (fig. 2), wherein at the peripheral surface of the distribution element where the tangential flow occurs, the distribution element has a relatively large effective surface for transmitting a force of the tangentially flow of melted mass (fig. 2), wherein the distribution element is beveled and/or rounded at an inner ring surface thereof (fig. 2), wherein the distribution element is arranged in an annular hollow space within the outer shell (figs. 1 and 2), wherein the distribution element is a circular ring element (fig. 1; i.e., note that element 171 is hollow and therefore ring shaped), wherein the tangential flow occurs at an outer peripheral surface of the distribution element (fig. 2), and wherein the tangential flow occurs at an inner peripheral surface of the distribution element (fig. 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25, 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over DE 1 810 237.

DE 1 810 237 discloses the die head substantially as claimed, as mentioned above, except for the limitations of claims 25, 27 and 30. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the dimensions of the die head of DE 1 810 237 (i.e., change the height dimensions of the inflow channel) because where the only difference between the prior art and the claims is a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device is not patentably distinct from the prior art device, In Gardner v. TEC Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984); or to multiply the parts the die head of DE 1 810 237 to thereby have multiple inflow channels, shell segments and distribution elements because it is well within an artisan of ordinary skill to duplicate parts for a multiplied effect, St. Regis Paper Co. v. Bemis Co., Inc., 193 USPQ 8.

Allowable Subject Matter

6. Claims 21-23, 26, 29, 33 and 36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not teach or reasonably suggest, the die head, as recited by instant claims 21-23, 26, 29 and 36, particularly wherein the distribution element includes the plurality of lamellae interspersed with the orifices such that an action of force occurs on the distribution element due to the flow of the melted mass or

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such that an action of force occurs at the exit of the orifices due to a material expansion of the melted mass; or the die head, as recited by instant claim 33, particularly wherein the distribution element is arranged in the torpedo-shaped or conical displacement body, whereby the melted mass collides with the tip of the displacement body, and the flow of melted mass is circularly distributed.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sansone (US 4,151,242), Kirjavainen (US 4,565,510), Nagai et al. (US 7,131,829) and Pelcz et al. (US 2007/0096358) are cited as of interest to show the state of the art.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Leyson whose telephone number is (571) 272-5061. The examiner can normally be reached on M-F 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gupta Yogendra can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


ROBERT DAVIS
PRIMARY EXAMINER
GROUP 1300/200
6/25/07

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JL